

Notice of Allowability

Application No.

10/040,291

Examiner

Chuc D Tran

Applicant(s)

MORGAN ET AL.

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/12/04.
2. ☒ The allowed claim(s) is/are 2-38,40-70 and 72-74.
3. ☒ The drawings filed on 28 May 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

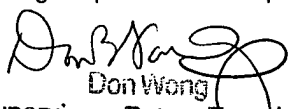
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/12/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Don Wong
Supervisory Patent Examiner
Technology Center 2800

DETAILED ACTION

Allowable Subject Matter

1. Claims 2-38, 40-70 and 72-74 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 8, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa, the at least one light source being further adapted to generate a remotely controllable variable color radiation output to illuminate the liquid without requiring the use of a color filter, and specifically comprising the limitation of at least one light source includes at least one input to receive at least one external signal and wherein the at least one light source is adapted such that at least a color of the variable color radiation output is controlled based on the at least one external signal.

Regarding claims 2-7 and 9-18 are allowable for the reason given in the claim because of their dependency status from the claim 8.

Regarding claim 19, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa, the at least one light source being further adapted to generate a remotely controllable variable color radiation output to illuminate the liquid without requiring the use of a color filter and specifically comprising the limitation of at least one remote user interface, coupled to the at

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least one light source, to allow a user to remotely control at least a color of the variable color radiation output of the at least one light source.

Regarding claims 20-38 and 72 are allowable for the reason given in the claim because of their dependency status from the claim 19.

Regarding claim 53, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: at least one remote user interface to remotely control at least one light source adapted to be supported bar one of wool and a spa, the at least one light source further adapted to generate variable color radiation to illuminate a liquid contained in the one of the pool and the spa, and specifically comprising the limitation of at least two selectors to allow a user to remotely control at least one parameter associated with the variable color radiation generated by the at least one light source.

Regarding claims 54-70 are allowable for the reason given in the claim because of their dependency status from the claim 53).

Regarding claim 73, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: at least one light source adapted to be supported by a fountain to illuminate a liquid contained in the one of the pool and the spa, the at least one light source being further adapted to generate a remotely controllable variable color radiation output to illuminate the liquid without requiring the use of a color filter, wherein the at least one light source includes at least one input to receive at least one external signal, and wherein the at least one light source is adapted such that at least a color of the variable color radiation output is controlled based on the at least one external signal, and specifically comprising the limitation of the at least one external signal is derived from at least one sensor

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adapted to output at least one detection signal in response to at least one detectable condition, and wherein the at least one light source is adapted such that the variable color radiation output is controlled based on at least one detectable condition.

Regarding claim 42, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: a method of illuminating a liquid, comprising acts of a) illuminating the liquid with variable color radiation that is generated without requiring the use of a color filter; and specifically comprising the method of remotely controlling the variable color radiation based on at least one interruption in power supplied to at least one light source that generates the variable color radiation.

Regarding claims 40-41 are allowable for the reason given in the claim because of their dependency status from the claim 42.

Regarding claim 43, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: a method of illuminating a liquid, comprising acts of a) illuminating the liquid with variable color radiation that is generated without requiring the use of a color filter; and specifically comprising the limitation of remotely controlling the variable color radiation based on at least one detectable condition.

Regarding claim 74 is allowable for the reason given in the claim because of their dependency status from the claim 43.

Regarding claim 44, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: a method of illuminating a liquid, comprising acts of: a) illuminating the liquid with variable color radiation that is generated without requiring the use of a color filter; and b) remotely controlling at least a color of the

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variable color radiation, and specifically comprising the limitation of an act of remotely controlling the variable color radiation based-on at least one audio signal.

Regarding claim 45, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: a method of illuminating a liquid, comprising acts of a) illuminating the liquid with variable color radiation that is generated without requiring the use of a color filter, and specifically comprising the limitation of remotely controlling the variable color radiation based on information obtained from a data network.

Regarding claims 46-48 are allowable for the reason given in the claim because of their dependency status from the claim 45.

Regarding claim 49, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: a method of illuminating a liquid, comprising acts of g) illuminating the liquid with variable color radiation that is generated without requiring the use of a color filter, and specifically comprising the limitation of remotely initiating execution of at least one illumination program so as to control the variable color radiation.

Regarding claims 50-51 are allowable for the reason given in the claim because of their dependency status from the claim 49.

Regarding claim 52, the reference of the Prior Art of record fails to teach or suggest the combinations of the limitations as set forth in the claim: a method of illuminating a liquid comprising acts of illuminating the liquid with variable color radiation that is generated without requiring the use of a color filter; remotely controlling at least a color of the variable color

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radiation, and specifically comprising the limitation of indicating to a user a status of at least one parameter associated with the remotely controllable variable color radiation.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Don Wong
Supervisory Patent Examiner
Technology Center 2800

TC
December 21, 2004